

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
3 C.B. KIRSCHNER
Assistant Federal Public Defender
4 Pennsylvania Bar No. 92998
411 E. Bonneville, Ste. 250
5 Las Vegas, Nevada 89101
6 (702) 388-6577
(702) 388-6419 (Fax)
7 CB_Kirschner@fd.org

8 Attorneys for Petitioner Ray Antonio Azcarate

9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 RAY ANTONIO AZCARATE,

13 Petitioner,

14 v.

15 BRIAN WILLIAMS, et al.,

16 Respondents.
17

Case No. 2:17-cv-02190-RFB-GWF

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE A
FIRST AMENDED PETITION FOR
WRIT OF HABEAS CORPUS**

(Second Request)

18
19 Petitioner, Ray Azcarate, by and through counsel, C.B. Kirschner, Assistant
20 Federal Public Defender, moves this Court for an extension of time of sixteen (16)
21 days from April 23, 2018, to and including May 9, 2018, to file a First Amended
22 Petition for Writ of Habeas Corpus. This motion is based upon the attached points
23 and authorities and all pleadings and papers on file herein.

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6. Counsel has also had to meet filing deadlines on several other cases: *Hazelwood v. Skolnik*, 3:14-cv-00022-LRH-WGC, Reply to Answer filed March 7, 2018; *Rodney v. Baker*, 17-15438, Opening Brief to Ninth Circuit filed March 29, 2018; *Taukitoku v. Filson*, 3:16-cv-00762-HDM-WGC, Amended Petition and Motion for Discovery filed April 3, 2018; *Sanchez-Dominguez v. Baker*, 3:17-cv-00053-HDM-

1 WGC, Opposition to Motion to Dismiss filed April 10, 2018; and *Flowers v. State*,
2 53159 & 55759, Motion to Reinstate Appeals to Nevada Supreme Court filed April
3 18, 2018. Counsel also has another Amended Petition that must be filed in *Barron-*
4 *Aguilar v. Wickham*, 3:17-cv-00548-MMD-VPC, before the expiration of the AEDPA
5 statute of limitations on May 4, 2018.

6 7. On April 19, 2018, Deputy Attorney General Natasha Gebrael was
7 contacted via email and stated that she did not object to the extension, but the lack
8 of objection should not be construed as a waiver of any procedural defenses, nor as a
9 concession that any amended petition will be considered timely filed, nor as a basis
10 for equitable tolling.

11 8. For the above stated reasons, Petitioner respectfully requests this
12 Court grant the request for an extension of time of sixteen (16) days and order the
13 Amended Petition to be filed on or before May 9, 2018.

14 Dated this 23rd day of April, 2018.

15 Respectfully submitted,
16 RENE L. VALLADARES
17 Federal Public Defender

18 /s/ CB Kirschner

19 C.B. KIRSCHNER
20 Assistant Federal Public Defender

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22 IT IS SO ORDERED:

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25 RICHARD F. BOULWARE, II
26 United States District Judge

DATED this 24th day of April, 2018.

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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Natasha M. Gabrael.

Ray Antonio Azcarate
No. 62962
High Desert State Prison
PO Box 650
Indian Springs, NV 89070

/s/ Dayron Rodriguez
An Employee of the
Federal Public Defender